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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 MM Games d.o.o.,

16 Plaintiff,

17 v.

18 Andre Rebelo-Soares d/b/a Typical
19 Gamer, Jogo Studios, Inc.

20 Defendants.
21
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23
24
25
26
27
28

CASE NO. 2:25-CV-1969

**VERIFIED COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

JURY DEMANDED

1 **I. COMPLAINT**

2 Plaintiff MM Games d.o.o. (“MM Games”), by its attorneys, Dorsey &
3 Whitney LLP, for its Complaint against Defendant Andre Rebelo-Soares d/b/a
4 Typical Gamer (“Typical Gamer”) and Defendant Jogo Studios Inc. (“Jogo Studios”)
5 (collectively “Defendants”) states and alleges as follows:

6 **II. NATURE OF THE ACTION & SUMMARY OF REQUESTED**
7 **RELIEF**

8 1. MM Games brings this action against Defendants and all related aliases
9 and d/b/as alleging copyright infringement arising from Defendants’ willful,
10 deliberate, and malicious acts that are causing substantial and irreparable harm to
11 MM Games’ business. Specifically, Defendants have willfully copied, distributed,
12 and displayed MM Games’ original audio-visual works, and are continually profiting
13 off an unauthorized copy of the works that directly competes with MM Games.
14 MM Games seeks preliminary and permanent injunctive relief, damages,
15 disgorgement of profits, attorneys’ fees and costs, and all other available relief in law
16 or equity.

17 **III. THE PARTIES**

18 2. MM Games is a Croatian društvo s ograničenom
19 odgovornošću¹ (d.o.o.), with its principal place of business in Sesvete, Croatia. MM
20 Games creates audio-visual works in the form of video games that are uploaded,
21 hosted, and made playable via Epic Games’ Fortnite platform.

22 3. On information and belief, Defendant Andre Rebelo-Soares d/b/a
23 Typical Gamer is an individual residing in Vancouver, British Columbia, Canada.

24 4. On information and belief, Defendant Jogo Studios is a Texas and
25 Delaware corporation with a principal place of business at 16030 Ventura Blvd. Ste.
26 240, Encino, CA 91436.

27
28

¹ English translation: Limited Liability Company.

1 **IV. JURISDICTION & VENUE**

2 5. Subject matter jurisdiction is vested in this Court under 28 U.S.C.
3 § 1331 and § 1338 because this dispute concerns the rights of parties under the
4 Copyright Act, 17 U.S.C. § 101 *et seq.*

5 6. The Court has personal jurisdiction over Defendant Jogo Studios Inc.
6 because, upon information and belief, Jogo Studios' principal place of business is
7 located within this Judicial District. Jogo Studios' Los Angeles office is the
8 corporation's nerve-center where its officers direct, control, and coordinate the
9 corporation's activities.

10 7. This Court has personal jurisdiction over Defendant Typical Gamer
11 because, upon information and belief, and as is detailed *infra*, Typical Gamer has
12 substantial contacts with the United States, California, and this Judicial District in
13 particular.

14 8. Upon information and belief, Typical Gamer is the founder, Chief
15 Executive Officer ("CEO"), and sole director of Jogo Studios. Jogo Studios was
16 incorporated in Delaware on January 2, 2024.

17 9. Upon information and belief, Typical Gamer intentionally created
18 derivative works of MM Games' copyrighted "Fortnite Island" titled "Crazy Red Vs
19 Blue" and advertised and distributed that infringing work on the internet as the
20 Fortnite Island titled "Super Red Vs Blue" through his YouTube channel
21 <https://www.youtube.com/@TypicalGamer> and Jogo Studios' website
22 <https://jogogames.com/our-games>. Super Red Vs Blue is identified under Island
23 Code 2786-2114-8349.

24 10. Upon information and belief, and as is detailed *infra*, Typical Gamer
25 founded Jogo Studios to display, advertise, market, and distribute the infringing
26 Fortnite Island Super Red Vs Blue in violation of MM Games' copyright.

27 11. Typical Gamer, as Jogo Studios' founder and CEO, expressly aimed his
28 infringing acts at California by establishing Jogo Studios' website to facilitate

1 infringement of MM Games' copyrighted Fortnite Island Crazy Red Vs Blue through
2 the California market among California web users.

3 12. Typical Gamer's contacts on behalf of Jogo Studios subject him to
4 personal jurisdiction in California because, as the creator and distributor of infringing
5 Fortnite Island Super Red Vs Blue, Typical Gamer is the guiding spirit, central figure,
6 and primary participant behind Jogo Studios' infringing activity.

7 13. Upon information and belief, Typical Gamer has entered into multiple
8 contracts and/or license agreements with YouTube, LLC ("YouTube") and/or
9 Google, LLC ("Google") and/or their parent corporation, Alphabet, Inc.
10 ("Alphabet"), all of which have corporate headquarters in this State, to promote and
11 generate revenue from his infringing work Super Red Vs Blue. YouTube is
12 headquartered in San Bruno, California; Google and Alphabet are headquartered in
13 Mountain View, California. Further, Typical Gamer generates substantial revenue
14 from his YouTube channel of the same name,
15 <https://www.youtube.com/@TypicalGamer>. Typical Gamer has over 15 million
16 subscribers, has uploaded nearly 5,600 videos, and has garnered more than 5 billion
17 total views on YouTube. A screenshot of Typical Gamer's channel details is attached
18 hereto as **Exhibit A**.

19 14. Upon information and belief, Typical Gamer regularly and
20 systematically interacts with and markets towards residents of the State of California
21 and this Judicial District by way of targeted advertising, encouraging them to
22 subscribe to his YouTube channel, displaying the infringing work to them, and
23 promoting his work that infringes upon MM Games' intellectual property rights.

24 15. MM Games' copyrighted works would not have been displayed on
25 YouTube or advertised and distributed through Jogo Studios if it was not for Typical
26 Gamer developing the infringing work and establishing Jogo Studios in California to
27 market the infringing games on Jogo Studios' website.

28 16. MM Games' suffered copyright infringement arises out of and results

1 from Typical Gamer's California and United States related activities.

2 17. MM Games' suffered copyright infringement arises out of and results
3 from Jogo Studios' California related activities.

4 18. Venue is proper in this judicial district pursuant to 28 U.S.C.
5 § 1391(b)(2) because the actions that give rise to the allegations in this Complaint,
6 namely the Defendants' marketing, display, and distribution of copies of MM
7 Games' original works of authorship occurred in Los Angeles, California. Venue is
8 also proper pursuant to 28 U.S.C. § 1400(a) because all defendants are subject to
9 personal jurisdiction in this judicial district.

10 **V. FACTS IN SUPPORT OF CLAIMS FOR RELIEF**

11 **A. Epic Games' Fortnite and Island Creator Program**

12 19. Epic Games, Inc. ("Epic Games"), was founded in 1991 by Tim
13 Sweeney, and is one of the world's leading interactive entertainment companies.
14 Epic Games develops some of the most widely used 3D engine technology in the
15 video game industry and operates some of the world's most popular video games.

16 20. Epic Games' 3D engine technology, known as "Unreal Engine," is the
17 underlying technology that powers many of the world's leading video games and has
18 been implemented outside of the video game industry in areas such as television,
19 film, architecture, automotive, manufacturing, and simulation. Through its Unreal
20 Engine, online game store, and online services, Epic Games provides an end-to-end
21 digital ecosystem for video game developers and creators to build, distribute, and
22 operate games and other content.

23 21. Epic Games is perhaps best known for operating one of the world's most
24 popular video games – Fortnite.

25 22. Fortnite is an online video game that was originally released in 2017.
26 Fortnite's most popular game mode is Battle Royale. "In [*Fortnite*], battle royale
27 means up to 100 players on a single map trying to be the last person or squad standing
28

1 as the safe zones get smaller and smaller, forcing all remaining players together.”²

2 23. Fortnite can be accessed on a multitude of devices - PlayStation 4,
3 PlayStation 5, Xbox One, Xbox Series X|S, Nintendo Switch and Switch Lite,
4 Android devices, iOS devices within the EU, and PC.

5 24. Today, Fortnite features several additional game modes and players
6 have created over 500 million accounts for Fortnite worldwide.³

7 25. In addition to its base Battle Royale game mode, Epic Games also
8 operates what it calls the “Fortnite Island Creator Program,”⁴ which allows anyone
9 to apply to become an official publisher of new game modes (known as “Fortnite
10 Islands” or “Islands”) inside the Fortnite ecosystem. These publisher-created Islands
11 are free to download within Fortnite and are accessible to anyone who plays the
12 game.

13 26. Epic Games actively encourages individuals to apply to become part of
14 the Fortnite Island Creator Program and offers Engagement Payouts to all publishers.
15 “Engagement payouts proportionally distribute a percentage of the net revenue from
16 Fortnite’s Item Shop and most real-money purchases to all Island publishers on a
17 monthly basis. Payouts are based on what players enjoy in Fortnite and account for
18 Island popularity, engagement, attracting new players, and other measurements
19 described below.”⁵

20 27. Epic Games also provides tools to official publishers used to create
21

22 ² Sarah LeBoeuf, *What is ‘Fortnite’? A Look at the Video Game that has Become a*
23 *Phenomenon*, NBC NEWS (June 30, 2018), [https://www.nbcnews.com/tech/tech-](https://www.nbcnews.com/tech/tech-news/what-fortnite-look-video-game-has-become-phenomenon-n887706)
24 [news/what-fortnite-look-video-game-has-become-phenomenon-n887706](https://www.nbcnews.com/tech/tech-news/what-fortnite-look-video-game-has-become-phenomenon-n887706).

25 ³ <https://x.com/EpicNewsroom/status/1407324102034182145>, EPIC GAMES
NEWSROOM, (last visited Feb. 25, 2025).

26 ⁴ *Welcome to the Island Creator Program*, EPIC GAMES,
<https://create.fortnite.com/enroll?team=personal> (last visited Feb. 25, 2025).

27 ⁵ *Engagement Payout*, EPIC GAMES, [https://dev.epicgames.com/documentation/en-](https://dev.epicgames.com/documentation/en-us/fortnite-creative/engagement-payouts-in-fortnite-creative)
28 [us/fortnite-creative/engagement-payouts-in-fortnite-creative](https://dev.epicgames.com/documentation/en-us/fortnite-creative/engagement-payouts-in-fortnite-creative) (last visited Feb. 25,
2025).

1 Islands, including the “Unreal Editor For Fortnite.”⁶

2 28. When applying to become an official publisher, individuals accept the
3 terms of both the Fortnite End User License Agreement (“EULA”)⁷ and the Unreal
4 Engine Fortnite Supplemental Terms.⁸ Both of these sets of terms prohibit
5 individuals from infringing upon the intellectual property of others.

6 29. Publishers must devote significant time and attention to create a
7 successful map in Fortnite. Epic Games provides an initial set of assets for publishers
8 to use, but publishers must make extensive modifications to those assets in order to
9 produce a new and successful map.

10 30. To begin creating a new map, publishers are “given their own small
11 Island—effectively a virtual blank page”⁹

12 31. Publishers can “rotate, resize, and move items” and can “modify the
13 terrain and environmental settings to create the desired atmosphere” for their maps.¹⁰
14 They can “[a]dd various devices like spawn points, timers, scoreboards, and traps to
15 enhance the gaming experience.”¹¹ Additionally, publishers identify “weapons,
16 consumables, and chests” as part of producing a unique aesthetic and user
17 experience.¹² Publishers must also place buildings, ultimately “creating [their] own

18 ⁶ *Unreal Editor for Fortnite*, EPIC GAMES, [https://www.unrealengine.com/en-](https://www.unrealengine.com/en-US/uses/uefn-unreal-editor-for-fortnite)
19 [US/uses/uefn-unreal-editor-for-fortnite](https://www.unrealengine.com/en-US/uses/uefn-unreal-editor-for-fortnite) (last visited Feb. 25, 2025).

20 ⁷ *Fortnite End User License Agreement*, EPIC GAMES (Dec. 17, 2024),
<https://www.fortnite.com/eula>.

21 ⁸ *Unreal Editor for Fortnite Supplemental Terms to the EULA*, EPIC GAMES,
22 <https://www.fortnite.com/unreal-editor-for-fortnite-supplemental-terms> (last visited
23 Feb. 25, 2025); *Fortnite Island Creator Rules*, EPIC GAMES (Jan. 23, 2025),
<https://www.fortnite.com/news/fortnite-island-creator-rules>.

24 ⁹ Keith Stuart, *Fortnite’s New Creative Mode: A Game-Changer*, THE GUARDIAN
25 (Dec. 11, 2018), [https://www.theguardian.com/games/2018/dec/11/fornites-new-](https://www.theguardian.com/games/2018/dec/11/fornites-new-creative-mode-a-game-changer)
[creative-mode-a-game-changer](https://www.theguardian.com/games/2018/dec/11/fornites-new-creative-mode-a-game-changer).

26 ¹⁰ Leandro Sandmann, *Fortnite Creative: How to Use Creative Mode for Epic*
Builds, EXITLAG (July 6, 2024), <https://www.exitlag.com/blog/fortnite-creative/>.

27 ¹¹ *Id.*

28 ¹² *How to Make and Share Creative 2.0 Maps in Fortnite*, DIGNITAS (Mar. 16,
2024),

town.”¹³ Epic Games provides singular elements, but publishers combine those elements to create entire maps and game modes, “allowing talented players to really define the sort of experience they want to build.”¹⁴

B. MM Games’ Copyrights for its Game, “Crazy Red Vs Blue”

32. MM Games is a Croatian company founded in 2021 by game developer and designer Mateo Martić. Mr. Martić has achieved immense success developing several different games on the Fortnite platform, including the Fortnite Island known as “Crazy Red Vs Blue.” Crazy Red Vs Blue is identified under Island Code 2898-7886- 8847. This game can be viewed on the Fortnite platform by searching its Island code or through the following URL: <https://www.fortnite.com/@rvb/2898-7886-8847?lang=en-US>. Crazy Red Vs Blue was first launched on Fortnite on June 21, 2023 and has been played across the world millions of times. Screenshots of this game’s Splash Screen, which includes an image representation of the game and general descriptors, as well as an image from the player’s in-game perspective are

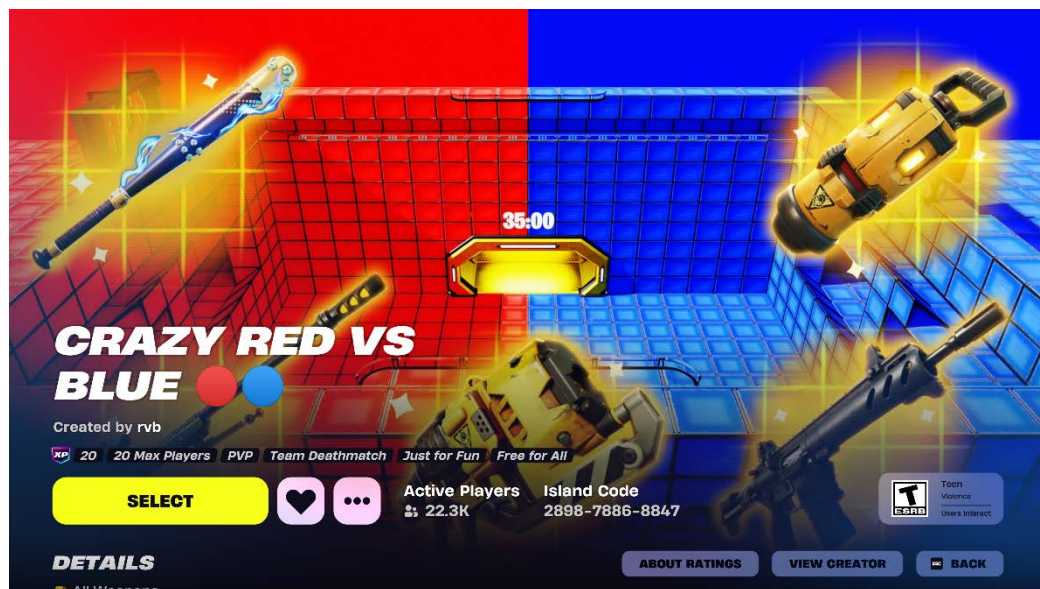


below:

<https://dignitas.gg/articles/how-to-make-and-share-creative-2-0-maps-in-fortnite>.

¹³ Stuart, *Fortnite’s New Creative Mode: A Game-Changer*.

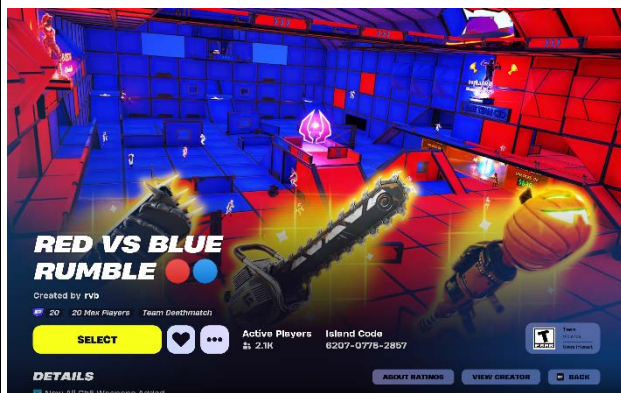
¹⁴ *Id.*



33. MM Games' success is owed to Mr. Martić's imagination and creativity, with gamers choosing to play on his Fortnite Islands over tens of thousands of others on a daily basis.

34. MM Games has also published several other popular Fortnite Islands including "Red Vs Blue Rumble,"¹⁵ "Red Vs Blue Heroes,"¹⁶ and "Box Fight & Zone Wars."¹⁷ Screenshots from these games are below:

Red Vs Blue Rumble:



¹⁵ *Red vs Blue Rumble*, EPIC GAMES, <https://www.fortnite.com/@rvb/6207-0778-2857?lang=en-US> (last visited Feb. 25, 2025).

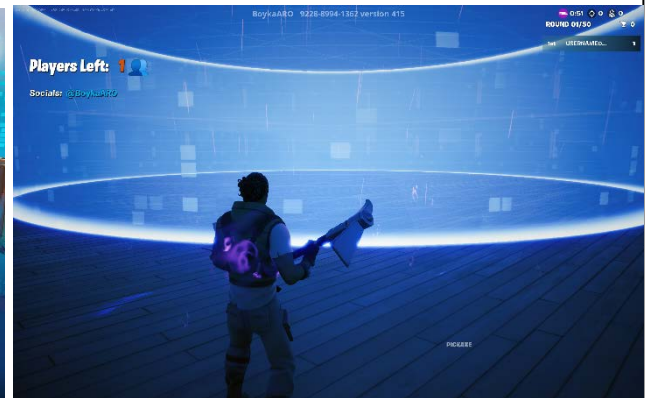
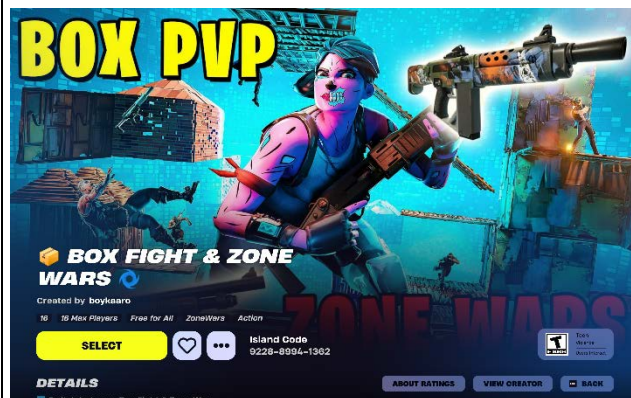
¹⁶ *Red vs Blue Heroes*, EPIC GAMES, <https://www.fortnite.com/@rvb/0887-9281-9291?lang=en-US> (last visited Feb. 25, 2025).

¹⁷ *Box Fight & Zone Wars*, EPIC GAMES, <https://www.fortnite.com/@boykaaro/9228-8994-1362> (last visited Feb 25, 2025).

Red Vs Blue Heroes:



Box Fight & Zone Wars:









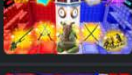
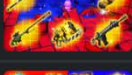

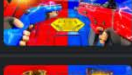


35. MM Games continues to create its own original games that contain distinctive artistic styles, and designs and displays original Splash Screens (a graphic representation of the game shown to potential players when they are selecting an Island within Fortnite) to advertise to and attract players.

36. MM Games invested and continues to invest substantial time and resources in developing the above-mentioned games and has gone to great length to protect the investment, including by obtaining copyrights that cover the unique works of authorship and by spending over \$2,000 per month on YouTube and TikTok posts to protect its reputation. This substantial investment has resulted in Crazy Red Vs Blue ranking as the top “Red Vs Blue” Island in Fortnite, followed closely by Typical Gamers’ infringing Island Super Red Vs Blue:

MOST PLAYED MAPS

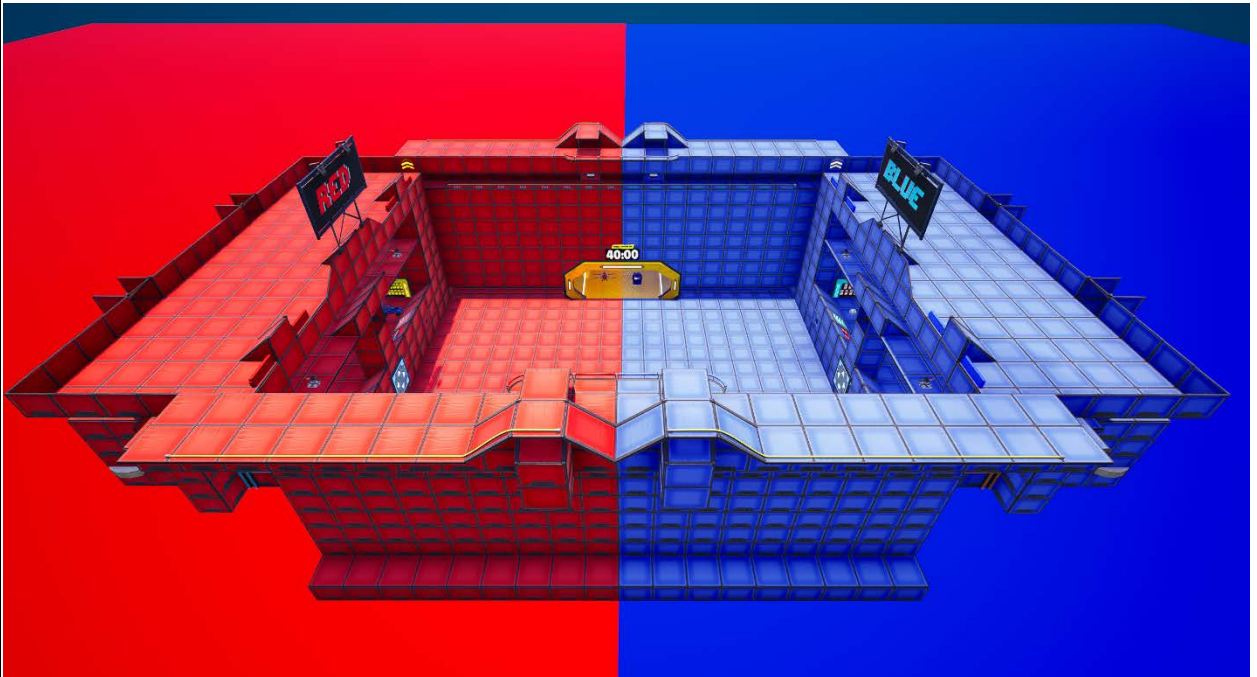
All Favorites 11 11 LEGO R 11 11

× TAG RELEASE DATE

RANK			PLAYERS NOW	ALL-TIME PEAK
10		CRAZY RED VS BLUE ● ●	20,836	163,049
18		SUPER RED VS BLUE ● ●	9,746	80,589
45		ULTRA RED VS BLUE ● ●	3,161	50,356
50		TMNT RED VS BLUE ● ●	2,630	84,324
67		AMAZING RED VS BLUE ● ●	1,910	29,351
110		MEGA RED VS BLUE HERO ● ●	1,088	75,331
115		TILTED TOWER RED VS BLUE ● ●	962	6,046
122		RED VS BLUE RUMBLE ● ●	936	26,756
148		TMNT LEGEND RED VS BLUE ● ●	796	4,636
162		FIRST PERSON RED VS BLUE ● ●	697	9,839
202		INSANE RED VS BLUE ● ●	471	2,999
203		INSANE RED VS BLUE ● ●	473	3,222

37. MM Games' copyrighted Island, Crazy Red Vs Blue, is highly distinctive and well-recognized throughout the Fortnite community. It is comprised of two separate "Spawn Bases" where players enter the game from a loading area and use as a base of operations for their respective teams. A single "Combat Zone" resides in the middle of the Island where players engage in combat against the opposite team.

38. MM Games owns a federally registered copyright for the audio-visual work of the Fortnite Island Crazy Red Vs Blue and the designs, creative choices, and unique elements found therein. In-game screenshots accompanied by relevant descriptions of MM Games' copyrighted Island are below:



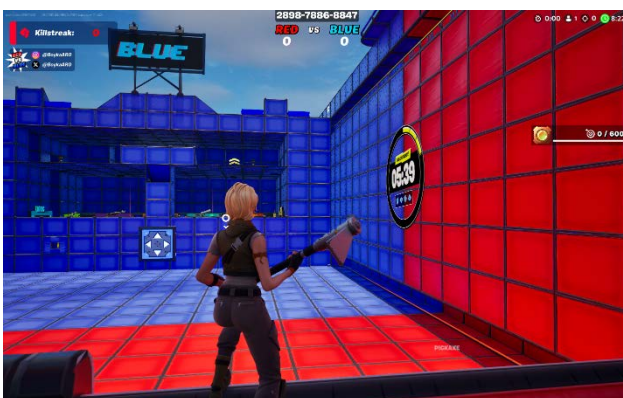
A top-down view of the entire game shows a square-shaped Combat Zone divided in half with red on one half and blue on the other. Two "Spawn Bases," where players enter the Island from the Fortnite main menu on either side depending on the team they are assigned to (red or blue), reside at the far ends of either side of the Island underneath a ceiling, above which the labels "RED" and "BLUE" hover over the map on either side. The top layer of the Island is also square-shaped, with balconies jutting out from all four sides.



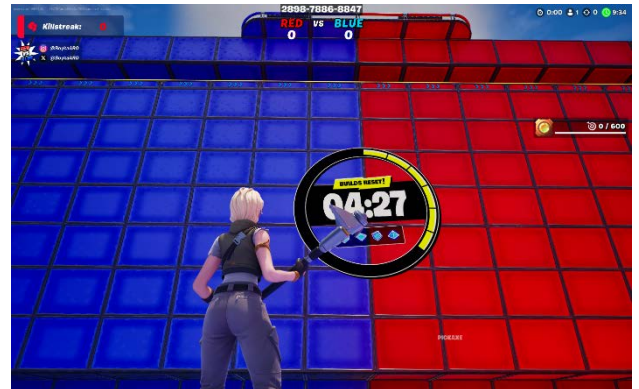
Inside of the red-side Spawn Base exist various vending machines where players can access in-game items and weapons. Weapons that are under the “Mythic” and “Exotic” labels are placed in vending machines, while all other weapons are placed in “Item Placers.” Item Placers are specific locations that hold items for players to acquire. Above each vending machine are text or visual labels depicting the type of each weapon available through each machine. The Item Placers/vending machines reside along the bottom portion of the left, back, and right-side walls of the Spawn Base. On the left and right-side walls exist two rectangular prism-shaped openings with arrows pointing upwards. Along the back-side wall of the Spawn Base there are weapon/item vending machines that have a large visual representation of each machine’s corresponding class of weapon/item above each machine. A parallel Spawn Base exists on the blue side of the map.



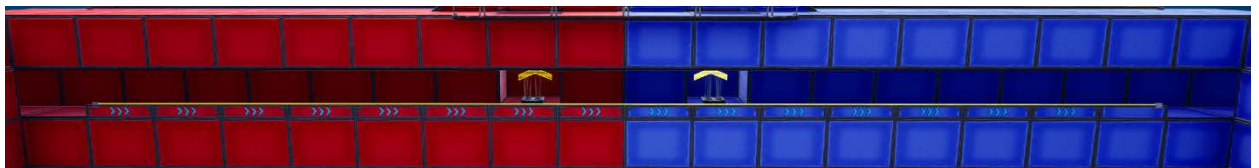
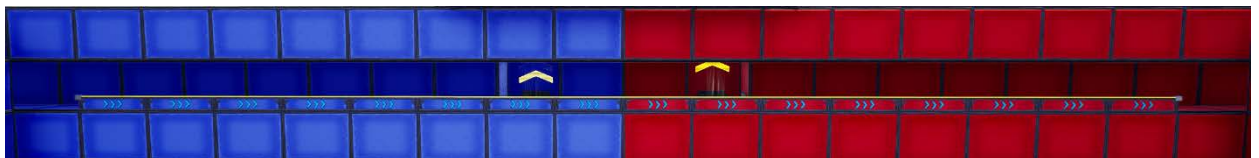
In the center of the Spawn Bases, there are a number of “Superpowers” available for purchase with in-game currency that are represented by text, unique colors, and their respective graphical logos.



Each Spawn Base has an opening with a ledge marked by two forward facing arrows that leads into the central rectangle-shaped Combat Area. Above the red-side Spawn Base is a label reading “RED.” A parallel setup exists on the “BLUE” side of the map. At the center of the Combat Zone the colors of each side meet and divide the Island in half. On the left and right side of the Combat Zone, directly intersecting with the center line that separates the two-colored sides of the map, exists a vault of in-game items with a countdown timer above it on one side, and a countdown timer that indicates when the map will “reset builds” (remove all player user-placed structures) within the Combat Zone on the other.



The vault resides on one side of the Combat Zone and contains numerous in-game items within it and displays a timer above it. The vault also has an outlined border around it, and the center line between the red and blue sides intersects directly through the middle of the vault. The center line also directly intersects on the opposite side with the build reset timer which contain the words “BUILDS RESET,” through the middle.



1 On either side of the Combat Zone exist grind rails indented into the side walls
2 with openings.

3 39. The United States Copyright Office registered MM Games' copyright
4 in Crazy Red Vs Blue (Reg. No. PA0002501440), with an effective date of
5 registration of November 19, 2024. A copy of MM Games Certificate of Registration
6 is attached hereto as **Exhibit B**. The deposit copy for this audio-visual work was
7 electronically filed with the court as **Exhibit C**¹⁸.

8 **C. Defendants' Infringing Activities**

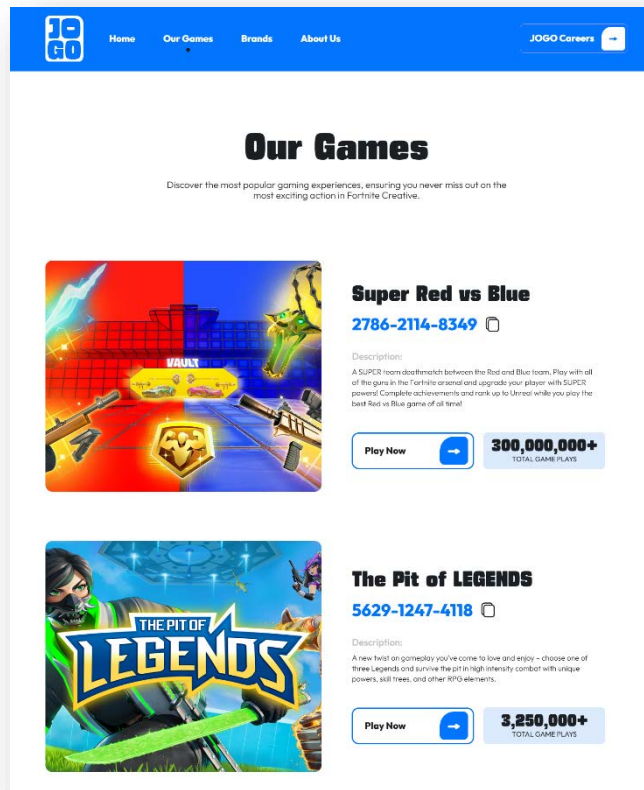
9 40. Defendant Andre Rebelo-Soares, more commonly known as Typical
10 Gamer, is a popular "YouTuber" and streamer with over 15 million subscribers,
11 nearly 5,400 video uploads, and more than 5 billion total views on YouTube. *See*
12 **Exhibit A**.

13 41. Typical Gamer founded Jogo Studios and serves as its CEO. Jogo
14 Studios employs at least 20 people in California for the purpose of creating and
15 maintaining games and Fortnite Islands, including the infringing Super Red Vs
16 Blue.¹⁹

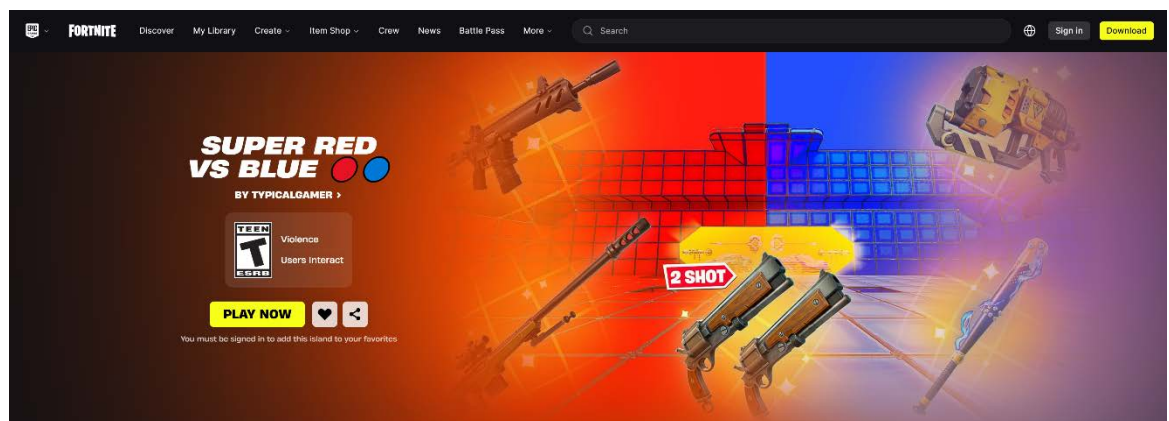
17 42. Jogo Studios displays, advertises, and markets the infringing Frontier
18 Island Super Red Vs Blue on its website under the "Our Games" tab. A screenshot
19 of jogogames.com is below:

20
21
22
23
24 ¹⁸ A Notice of Lodging Nonpaper Exhibit Pursuant to L.R. 11-5.1 was filed
25 concurrently with this Complaint.

26 ¹⁹ Mike Stubbs, *YouTuber Typical Gamer Launches JOGO, a \$2 Million 'Fortnite'*
27 *Studio*, FORBES (May 16, 2024),
28 <https://www.forbes.com/sites/mikestubbs/2024/05/16/youtuber-typical-gamer-launches-jogo-a-2-million-fortnite-studio/>.

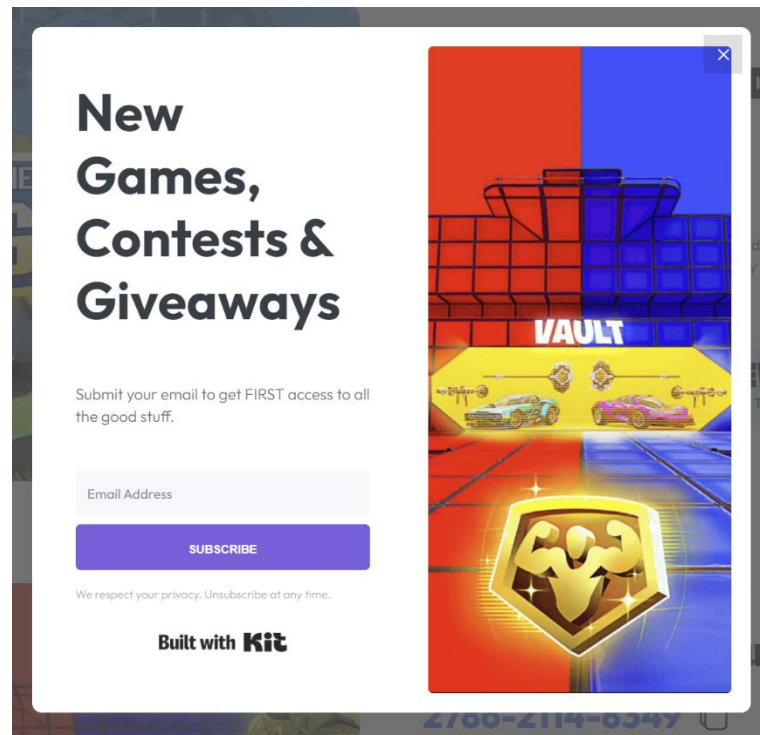


43. As shown above, Jogo Studios distributes the infringing Island Super Red Vs Blue by prompting web users, including California web users, to click “play now,” which directs the web user to Fortnite.com (as demonstrated in the screenshot below), where they can download “Super Red Vs Blue” by Typical Gamer. Jogogames.com indicates that Super Red Vs Blue has been played more than 300 million times.



44. Through Jogogames.com, Typical Gamer and Jogo Studios solicit web users, including California web users, to download and play the infringing Island “Super Red Vs Blue,” thereby directing web users away from MM Games’ copyrighted work.

45. Through Jogogames.com, Typical Gamer and Jogo Studios use the infringing Island Super Red Vs Blue’s Splash Screen to solicit business and information from web users, as demonstrated by Jogo Studios’ pop-up screen below:



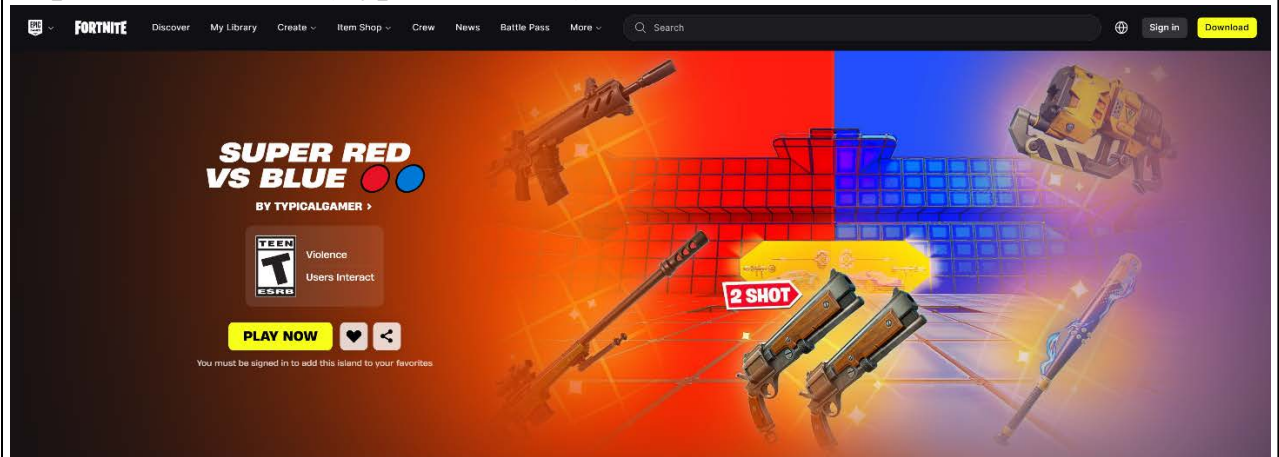
46. As CEO of Jogo Studios, Typical Gamer established Jogo Studios’ principal place of business in California to display, advertise, and distribute the infringing Island Super Red Vs Blue throughout the California market.

1. Copied Elements from MM Games’ Crazy Red Vs Blue

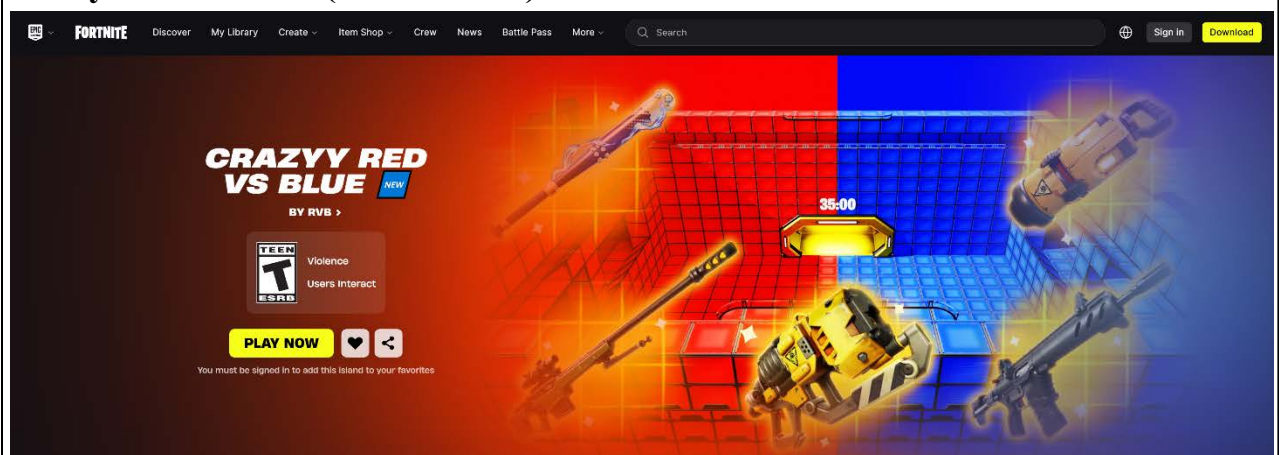
47. Defendants have been reproducing, distributing, displaying, marketing, and creating derivative works of MM Games’ copyrighted Island Crazy Red Vs Blue. Defendants have been marketing their infringing Island under the name Super Red Vs Blue and have made this Island publicly available via Epic Games’ Fortnite platform, the same platform MM Games uses to distribute its copyrighted Island

Crazy Red Vs Blue. For direct comparison, screenshots of the Islands' respective Splash Screens are below:

Super Red Vs Blue (Typical Gamer):



Crazy Red Vs Blue (MM Games):

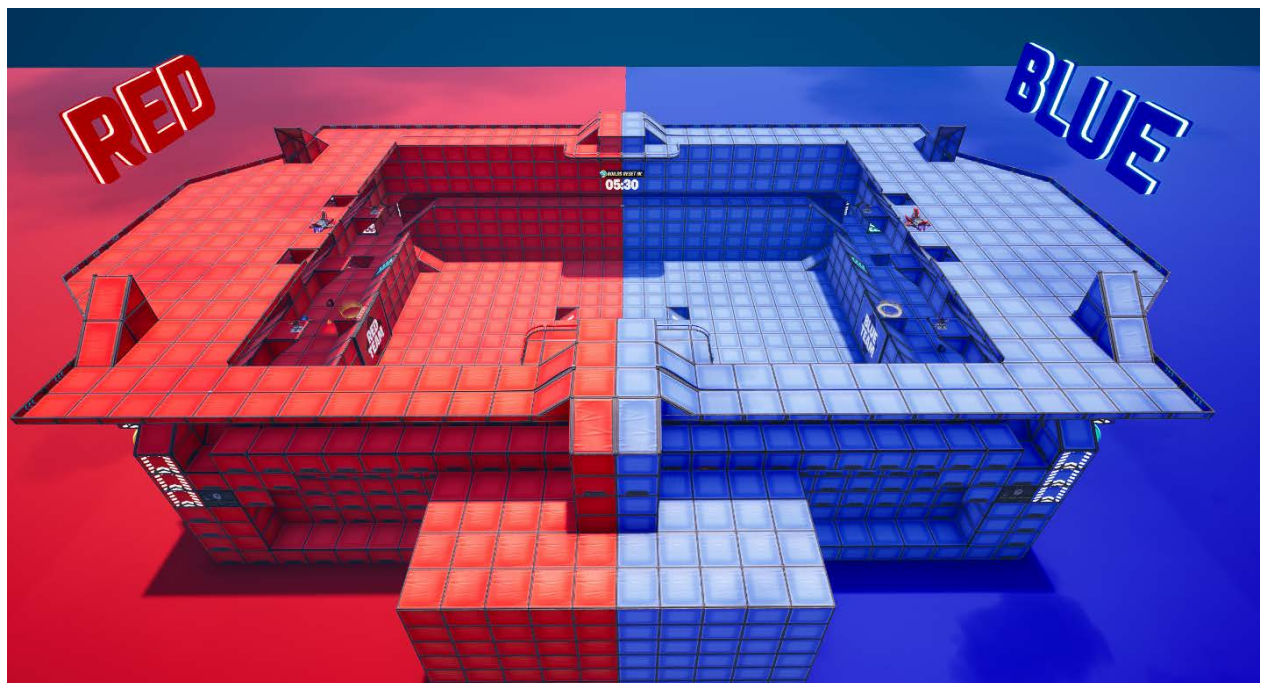


As shown above, both Splash Screens are divided in half by the center line of each Island's respective Combat Zone, with the center line cutting directly through the middle of each Island's vault. Floating in-game weapons are overlaid on top of the images of the Islands in each Splash Screen.

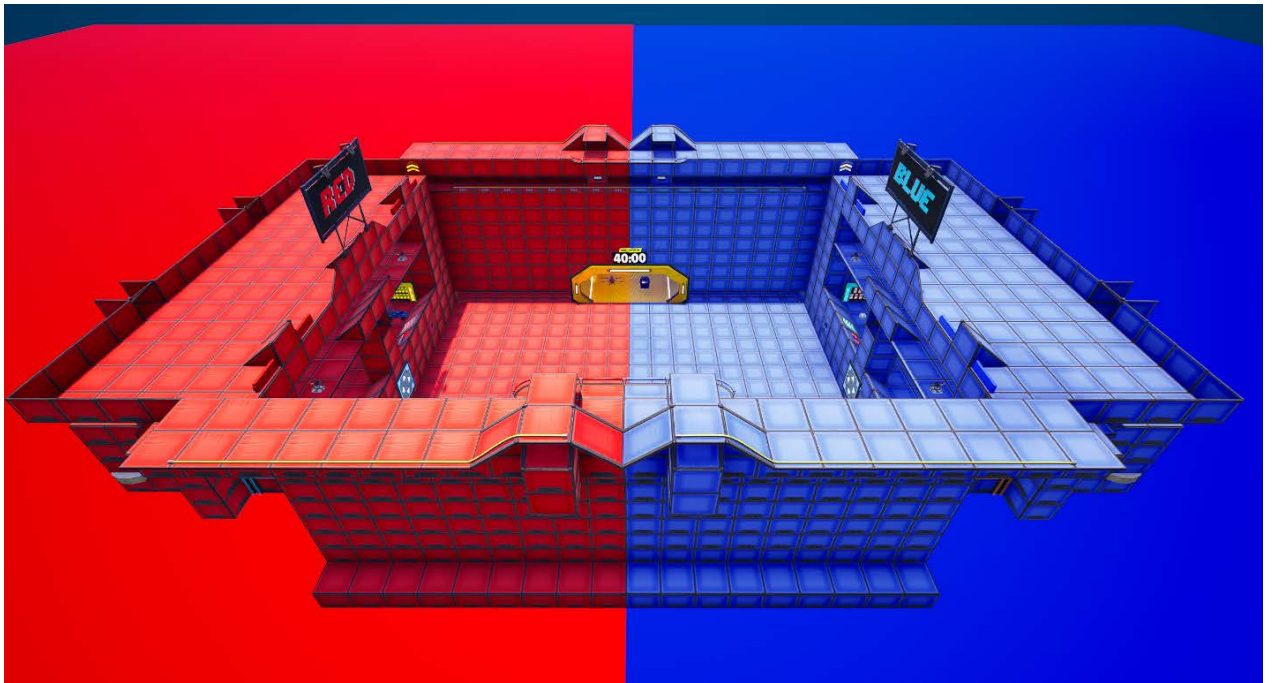
48. These similarities are the result of intentional and deliberate copying by Typical Gamer and are no coincidence. There are dozens of Fortnite Islands with Red Vs Blue themes whose Splash Screens bear no similarities to MM Games' copyrighted Crazy Red Vs Blue. Examples of such Islands' Splash Screens made by other creators are below and attached as **Exhibit D**:



49. Typical Gamer's blatant copying extends far beyond the Splash Screen. Defendants have copied dozens of unique elements and the overall look and feel of the Island. Examples of the striking similarities between the two Islands are below:
Super Red Vs Blue (Typical Gamer):



Crazy Red Vs Blue (MM Games):



The top-down view of each Island shows the “RED” and “BLUE” labels hovering above each Island’s Spawn Bases. Both Islands are rectangle-shaped, are divided in half by the red-blue center line, and have overhanging balconies on top of the Spawn Bases and side walls of the Combat Zones, forming each Island’s perimeter.

Super Red Vs Blue (Typical Gamer):



Crazy Red Vs Blue (MM Games):

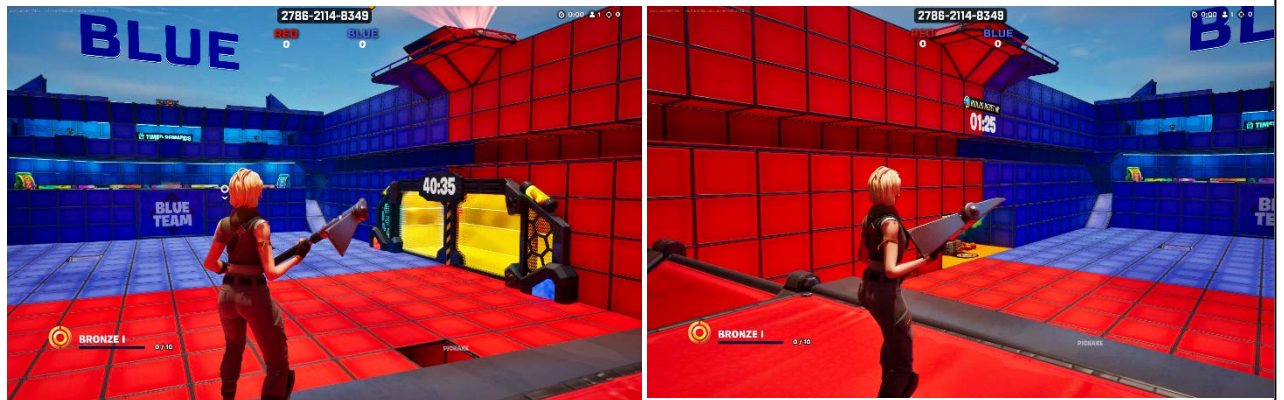


1 Inside of both Islands' Spawn Bases exist various vending machines and Item
2 Placers where players can access in-game items and weapons. Above each vending
3 machine/Item Placer is text or visual labels depicting the type of each weapon/item
4 available; each weapon category is represented by an enlarged model of the main gun
5 of each said categories, positioned on top of the machine. The vending machines
6 reside along the bottom portion of the left, back, and right-side walls of the Spawn
7 Base.

8 On the left and right-side walls of each Islands' Spawn Bases exist two
9 rectangular prism-shaped openings with arrows pointing upwards. Along the back-
10 side wall of the Spawn Bases there are weapon/item vending machines that have a
11 large visual representation of each machine's corresponding class of weapon/item
12 above each machine.

13 In the center of each Island's Spawn Bases there are a number of
14 "Superpowers" available for purchase with in-game currency that are represented by
15 text and their respective graphical logos. A parallel Spawn Base exists on the blue
16 side of each Island.

17 Super Red Vs Blue (Typical Gamer):





Crazy Red Vs Blue (MM Games):





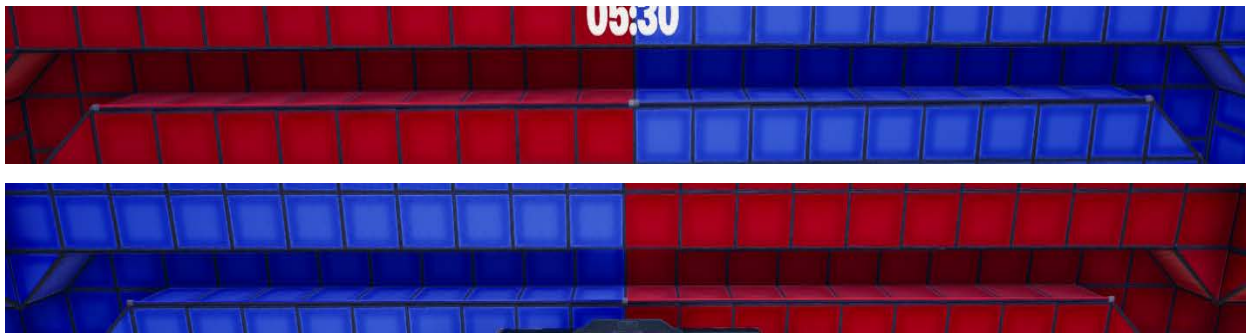
The Spawn Bases of each Island have openings with a ledge marked by two forward facing arrows that leads into the central rectangle-shaped Combat Area. Above the red-side Spawn Bases are labels reading “RED.” A parallel setup exists on the blue sides of the Islands. At the center of the Combat Zone the colors of each side meet and divide the Islands in half. On the left and right side of the Combat Zones, directly intersecting with the center line that separates the two-colored sides of the Islands, exists a vault of in-game items with a countdown timer above it on one side, and a countdown timer on the other side that indicates when the map will “reset builds” (remove all player user-placed structures) within the Combat Zone.

Both Islands’ vaults reside on one side of their respective Combat Zones and contain numerous in-game items within it and displays a timer above it. The vaults also have an outlined border around them, and the center line between the red and blue sides intersect directly through the middle of the vaults. The center line also directly intersects with the build reset timer, which contains the words “BUILDS RESET,” through the middle on both Islands.

Timers are present on each of the Islands that include the words “BUILDS RESET” to indicate to players when the Islands will remove all current user-placed structures. Each Island includes a timer with similar fonts and identical white color

1 scheming.

2 **Super Red Vs Blue (Typical Gamer):**



9 **Crazy Red Vs Blue (MM Games):**



17 On each side of the Combat Zones of both Islands exist grind rails indented
18 into the side walls with openings.

19 50. As detailed above, Typical Gamer's Island is a blatant copy and knock-
20 off of MM Games' copyrighted Island, Crazy Red Vs Blue.

21 51. Super Red Vs Blue copies dozens of the original features of Crazy Red
22 Vs Blue, including, without limitation, the overall look and feel, the color scheme,
23 placement of in-game items, size of the Combat Zone, shape of the Combat Zone,
24 appearance and overall look and feel of both the red and blue Spawn Bases,
25 placement of in-game features, and label placement.

26 52. Defendants' Island is distributed and advertised on the same Fortnite
27 platform as MM Games' copyrighted work.²⁰

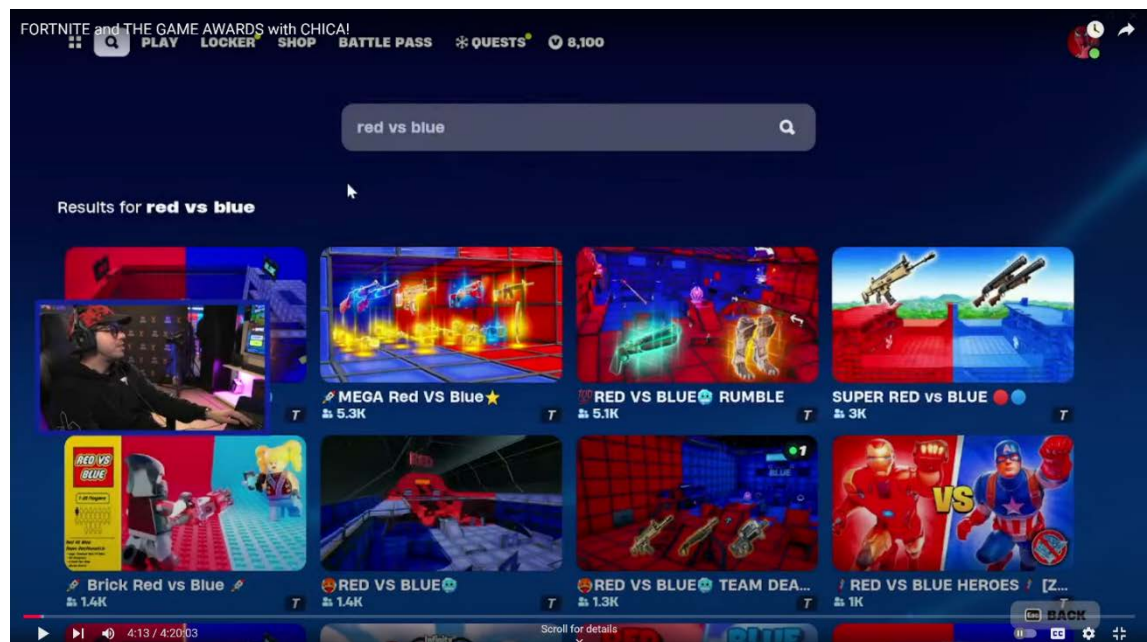
28 ²⁰ See *Super Red Vs Blue*, EPIC GAMES,

53. The numerous copied elements described and apparent from the above image comparisons establish that Defendants actually copied the protectable elements of MM Games' Island, Crazy Red Vs Blue.

2. Typical Gamer's Continuous Infringement Outside the Fortnite Platform

54. By streaming on and posting videos to YouTube, Typical Gamer has continuously infringed upon MM Games' copyrighted Crazy Red Vs Blue since at least December 2023 by publicly displaying his infringing Island, Super Red Vs Blue. Examples of this continuous infringement are shown *infra*.

55. Additionally, while streaming, Typical Gamer ran a search for "Red Vs Blue" to find and play on his infringing Island while streaming to a large audience. While running that search, the first Island in the search results was MM Games' Crazy Red Vs Blue, demonstrating that Typical Gamer had the opportunity to access Crazy Red Vs Blue. A screen capture from that stream is below.²¹



<https://www.fortnite.com/@typicalgamer/2786-2114-8349?lang=en-US> (last visited Feb. 25, 2025).

²¹ See Typical Gamer, *FORTNITE and THE GAME AWARDS with CHICA!*, YOUTUBE (Dec. 7, 2023), <https://www.youtube.com/live/rB0Fy7e4fMQ?feature=shared&t=247>.

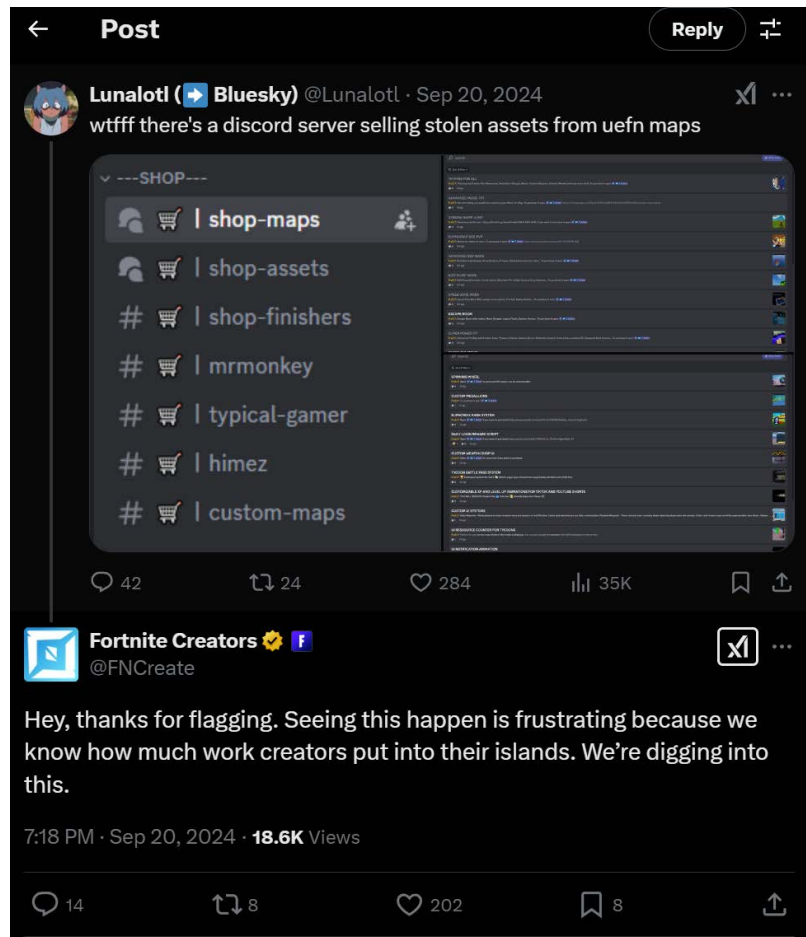
56. Typical Gamer's streaming provided evidence not just that Typical Gamer could access Crazy Red Vs Blue, but that he did so. In Typical Gamer's stream while playing Super Red Vs Blue on March 6, 2024, the Crazy Red Vs Blue Island code 2898-7886-8847 appeared at the top of screen instead of the Super Red Vs Blue Island code. The incorrect Island code remains displayed for nearly 30 minutes thereafter.²² A screen capture of such a display is below, with the incorrect Island code at the top of the image:



57. As an Island Creator, Typical Gamer is certainly aware of the purpose of Island codes and how they work uniquely for each Fortnite Island.

58. Though the exact cause of such a display is unclear, that Super Red Vs Blue would display Crazy Red Vs Blue's Island code instead of Super Red Vs Blue's own Island code is direct evidence that Typical Gamer accessed Crazy Red Vs Blue. Furthermore, as shown below in an X post from an official Epic Games account, Epic has acknowledged that assets from a creator's Island can be stolen and used in a way unintended by the Fortnite platform.

²² See Typical Gamer, *NEW SEASON 2 *GREEK GODS* is COMING SOON!* (Fortnite), YOUTUBE (Mar. 6, 2024), <https://www.youtube.com/live/RiFjGVk9Vag?si=6Yowgfl9lQBkD0rO&t=6308> beginning at 1:45:08.



<https://x.com/FNCreate/status/1837270036945265049>

59. Accordingly, one explanation for why Super Red Vs Blue displayed Crazy Red Vs Blue's Island code is that Typical Gamer downloaded Crazy Red Vs Blue or its assets in the process of creating Super Red Vs Blue. At least four other videos of Typical Gamers also display Crazy Red Vs Blue's Island code.²³

²³ See Typical Gamer, *FORTNITE *SEASON 2* LIVE EVENT is RIGHT NOW!* (Fortnite Battle Royale), YouTube (Mar. 2, 2024), <https://www.youtube.com/live/7DxcoOENx10?si=Gvcj8td6Je04rL12&t=13086>; Typical Gamer, *TYPICAL GAMER PLAYS FORTNITE*, YouTube (Apr. 16, 2024), <https://www.youtube.com/live/vXO3bnzL3aE?si=Y44Fg5OVIQmun39W&t=12183>; Typical Gamer, *NEW *VILLAINS* ANIME BUNDLE in the ITEM SHOP!* (Fortnite), YouTube (May 10, 2024), <https://www.youtube.com/live/UDaCvRWd1ic?si=TBmNLm8BzPO0xaWM&t=11757>; Typical Gamer, *FORTNITE *SEASON 3* MINI LIVE EVENT COUNTDOWN!*, YouTube (May 14, 2024), <https://www.youtube.com/live/jsvnf2aJmI8?si=IijleX0XqzeKkccc&t=7965>.

60. Typical Gamer himself has publicly acknowledged the same look and feel between Super Red Vs Blue and Crazy Red Vs Blue specifically while streaming Super Red Vs Blue. For example, in his December 20, 2023 stream of Super Red Vs Blue, Typical Gamer stated as follows: “So yeah, come check out the map guys. Red Vs Blue, Super Red Vs Blue. Okay? I want you guys to really understand this, to really truly understand this. . . . Please, because a lot of people get this confused. If you type ‘Red Vs Blue,’ there’s a lot of ‘Red Vs Blue’ maps. Okay, mine, this map that I’m talking about right here is not Crazy Red Vs Blue . . . it is Super Red Vs Blue, it’s this one over here. And you can know if you click on it, it says Typical Gamer at the top. Okay?”²⁴

61. In his December 22, 2023 stream of Super Red Vs Blue, Typical Gamer again pointed out the similarities between the Islands: “a lot of Red Vs Blue thumbnails look similar, like, this one [Crazy Red Vs Blue] looks similar to ours [Super Red Vs Blue], or ours looks similar to that one.”²⁵

62. Typical Gamer’s comparison of Crazy Red Vs Blue with Super Red Vs Blue while streaming shows Typical Gamer was aware of his infringing activities.

63. Moreover, the numerous comments posted on social media that compare Crazy Red Vs Blue with Super Red Vs Blue demonstrate that ordinary observers find the Islands substantially similar based on their shared look and feel.

64. Various YouTube users have commented on Typical Gamer’s videos of Super Red Vs. Blue that “Crazy red vs blue is better”²⁶ and that they are “playing CRAZY RED VS BLUE.”²⁷ A thread of users’ relevant discussion and debate often

²⁴ See Typical Gamer, *New MR BEAST in FORTNITE! (Chapter 5)*, YOUTUBE (Dec. 20, 2023), <https://www.youtube.com/watch?v=VgZA8Xrns24> at 1:57:16–1:58:03.

²⁵ See Typical Gamer, *New GOLD ELITE PACK in FORTNITE!*, YOUTUBE (Dec. 22, 2023), <https://www.youtube.com/watch?v=IC300sn2Zio> at 6:29–6:50.

²⁶ See Typical Gamer, *I Won EVERY *DOOM ISLAND* Event This Season!*, YOUTUBE (Oct. 20, 2024), <https://www.youtube.com/watch?v=8cFpOLejr2g>.

²⁷ Typical Gamer, *I Should Not Have Gotten This...*, YOUTUBE (Oct. 8, 2024),

1 follows such comments.²⁸ Another user commented on one of Typical Gamer's
 2 videos that "Crazy red vs blue helped me so much for aim I was getting -6 and -7
 3 reload because of my aim but not I trained shotguns and AR."²⁹

4 65. TikTok users have also noted the similarities between the Islands. On a
 5 video of Crazy Red Vs Blue, one TikTok user stated that "Typical gamer, red vs blue
 6 is way better then crazy red vs blue."³⁰ Another user disagreed. *Id.* Most
 7 concerningly, one TikTok user stated that Crazy Red Vs Blue was "[j]ust a copy of
 8 super red vs blue."³¹ Another user clarified that Crazy Red Vs Blue was actually "the
 9 original." *Id.*

10 66. On information and belief, Defendants continues to distribute and
 11 publicly display the infringing Island as of March 5, 2025.

12 **3. MM Games is Being Irreparably Harmed**

13 67. MM Games submitted a DMCA takedown request in January 2024
 14 directly to Epic Games requesting the removal of the infringing Super Red Vs Blue.
 15 Epic Games also initiated a takedown of the Island in February 2024 on its own
 16 accord. Despite attempts in 2024 to have the island taken down, Super Red Vs Blue
 17 continues to be distributed and publicly displayed as of filing.

18 68. Attempting to resolve this issue through DMCA takedown requests and
 19 internally with Epic Games delayed the filing of this complaint, and gave Defendants
 20 actual notice of their infringing activities.

21
 22 <https://www.youtube.com/watch?v=-ws1lNwREFk>.

23 ²⁸ *Id.*

24 ²⁹ Typical Gamer, *Fortnite Saved The Season*, YOUTUBE (Oct. 15, 2024),
<https://www.youtube.com/watch?v=L7AlwLxLPj4>.

25 ³⁰ Crazy Red vs Blue, *This map gives more XP than typical gamers!*
 26 *#crazyredvsblue #fortnite #fortniteclips*, TIKTOK (May 14, 2024),
<https://www.tiktok.com/@rvbfortnite/video/7368839000896965920>.

27 ³¹ Crazy Red Vs Blue, *This strat is OP in red vs blue!! #fortniteclips #fortnite*
 28 *#fortniteredvsblue #foryou #trending*, TIKTOK (Aug. 3, 2024),
<https://www.tiktok.com/@rvbfortnite/video/7398992738395376928>.

69. Despite such notice, Defendants' willful and deliberate copying has continued and is causing irreparable harm to MM Games' business and reputation.

VI. CAUSE OF ACTION

COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, *ET SEQ.*)

70. MM Games re-alleges and incorporates by reference all of the allegations set forth in Paragraphs 1 to 69 as if fully set forth here.

71. MM Games' audio-visual work constitutes an original work of authorship and copyrightable subject matter under the laws of the United States. This original work is embodied in MM Games' Fortnite Island Crazy Red Vs Blue.

72. MM Games is the sole owner of all exclusive rights in and to Crazy Red Vs Blue, and the U.S. Copyright Office's Certificate of Registration is prima facie evidence of the validity of MM Games' copyright.

73. Defendants have copied, created derivative works of, distributed copies to the public, and publicly displayed MM Games' protected audio-visual work, all without the consent or authority of MM Games.

74. Defendants' actions were and are intentional, willful, wanton, and performed in complete disregard of MM Games' rights.

75. Defendants' actions therefore constitute infringement of MM Games' exclusive rights, in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

76. MM Games is entitled to injunctive relief pursuant to 17 U.S.C. § 502. MM Games has no adequate remedy at law for Defendants' wrongful conduct because MM Games' copyright in Crazy Red Vs Blue is unique and valuable property without a readily determinable market value. Thus, Defendants' repeated infringement harms MM Games in a way that MM Games cannot be made whole with a monetary award, and Defendants' wrongful conduct—and thus the consequential damages to MM Games—is continuing.

77. MM Games has been and will continue to be damaged and irreparably harmed by Defendants' wrongful infringement of MM Games' copyright, and

1 Defendants have been and continue to be unjustly enriched in an amount to be proven
2 at trial.

3 78. MM Games is alternatively entitled to statutory damages under
4 17 U.S.C. § 504(c), which should be enhanced due to the nature of Defendants'
5 infringement and in accordance with 17 U.S.C. § 504(c)(2).

6 79. MM Games is also entitled to recover its attorneys' fees and costs
7 pursuant to 17 U.S.C. § 505 and 17 U.S.C. § 512(f).

8 **VII. PRAYER FOR RELIEF**

9 WHEREFORE, MM Games prays for a judgment in this action as follows:

10 1. A preliminary and permanent injunction enjoining and restraining
11 Defendants, and all persons or entities acting in concert with Defendants, during the
12 pendency of this action and thereafter perpetually, from copying, creating derivative
13 works from, distributing copies of, offering for sale and/or publicly displaying any
14 of MM Games' copyrighted Island;

15 2. Awarding MM Games a money judgment, granting compensatory
16 relief, the precise amount to be proven at trial;

17 3. Awarding MM Games punitive damages for Defendants' deliberate and
18 willful misconduct;

19 4. An order under 17 U.S.C. § 503(b) requiring Defendants to impound,
20 on such terms as the Court may deem reasonable: all copies claimed to have been
21 made or used in violation of MM Games' exclusive rights; all means of which such
22 copies may be reproduced; all records documenting the manufacture, sale, or receipt
23 of things involved in any violation; and to destroy or otherwise reasonably dispose
24 of all copies found to have been made or used in violation of MM Games' exclusive
25 right, including the removal of the infringing Island from the Fortnite platform and
26 any other online platform where the infringing Island is available for download or
27 publicly displayed;

28 5. Awarding MM Games pre- and post-judgement interest;

1 6. Awarding MM Games its costs, disbursements, and reasonable
2 attorneys' fees in this action, as permitted by law; and

3 7. Such other and further relief as the Court deems just and equitable.

4 **VIII. JURY DEMAND**

5 MM Games demands that all claims or causes of action raised in this
6 Complaint be tried by a jury to the fullest extent possible under the United States
7 Constitution.

8 Dated: March 6, 2025

DORSEY & WHITNEY LLP

9
10 By: /s/ J. Michael Keyes

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26 *Attorneys for Plaintiff MM Games*
27 *d.o.o.*
28

VERIFICATION

I, Mateo Martić, declare as follows:

1. I am the sole owner of Plaintiff MM Games d.o.o. ("MM Games"). I have reviewed the foregoing Verified Complaint and verify that the statements made therein are true and correct to the best of my knowledge, information, and belief.

2. I have personal knowledge of MM Games, MM Games' activities, and MM Games' copyrights, including those set forth in the foregoing Verified Complaint, and if called to testify, I would testify as to the matters stated therein.

3. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing factual statements in the Verified Complaint about myself, MM Games, MM Games' activities, and MM Games' copyrights are true and correct factual statements.

Executed on March 4th 2025 in Sesvete, Croatia.

Mateo M.
Mateo Martić